

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
ST. LOUIS DIVISION**

BRIAN COPELAND,)	
)	
Plaintiff,)	
)	
v.)	No.
)	JURY TRIAL DEMANDED
KRAMER & FRANK, P.C.,)	
)	
Defendant.)	

COMPLAINT

NOW COMES the Plaintiff, BRIAN COPELAND, by and through his attorneys, LARRY P. SMITH & ASSOCIATES, LTD., and for his complaint against the Defendant, KRAMER & FRANK, P.C., Plaintiff states as follows:

I. PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereinafter "FDCPA"), 15 U.S.C. §1692, et seq.

II. JURISDICTION & VENUE

2. Jurisdiction arises under the FDCPA, 15 U.S.C. §1692 et seq., and pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1337.

3. Venue is proper in this district pursuant to 28 U.S.C. §1391(b).

III. PARTIES

4. BRIAN COPELAND, (hereinafter, "Plaintiff") is an individual who was at all relevant times residing in the City of Columbia, County of Boone, State of Missouri.

5. KRAMER & FRANK, P.C., (hereinafter, "Defendant") is a law firm incorporated in the State of Missouri.

6. In its dealings with Plaintiff, Defendant held itself out as being a company collecting a debt allegedly owed by Plaintiff to Capital One Bank.

7. At all relevant times, Defendant acted as a debt collector within the meaning of the FDCPA, 15 U.S.C. §1692a(6).

IV. ALLEGATIONS

8. On August 26, 2008, Plaintiff was in a courtroom in the Circuit Court of Boone County in the matter of Capital One Bank, N.A. v. Brian Copeland.

9. Plaintiff was approached by a woman who identified herself as an attorney from Defendant and that she was representing the collection agency relative to the aforementioned case.

10. Defendant asked to speak with Plaintiff outside the courtroom.

11. Defendant advised Plaintiff that he could set up a payment plan without having to appear in court.

12. Defendant led Plaintiff to believe that the case against him would not proceed and that a payment plan would be set up instead.

13. Defendant showed Plaintiff a one-page document that itemized the amounts due and Plaintiff agreed to a payment plan of \$70 per month was agreed.

14. At no time did Defendant advise Plaintiff that a judgment order was going to be entered against Plaintiff.

15. At no time did Defendant advise Plaintiff that the one-page document shown to him was an order for Judgment.

16. Defendant did not advise Plaintiff that the judgment would be used to attach to Plaintiff's bank account in the event that he was late on his monthly payments.

17. Subsequent to being given a copy of the one-page document, that Plaintiff later discovered was a court order, the order was amended to indicate that Plaintiff consented to a judgment being entered against him.

18. In its attempts to collect the debt allegedly owed by Plaintiff to Capital One Bank, Defendant violated the FDCPA, 15 U.S.C. §1692 in one or more of the following ways:

- a. Used any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning the consumer in violation of 15 U.S.C. §1692e(10);
- b. Was otherwise deceptive and failed to comply with the provisions of the FDCPA.

19. As a result of Defendant's violations as aforesaid, Plaintiff has suffered, and continues to suffer, personal humiliation, embarrassment, mental anguish and emotional distress.

V. JURY DEMAND

20. Plaintiff hereby demands a trial by jury on all issues so triable.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff, BRIAN COPELAND, by and through his attorneys, respectfully prays for judgment as follows:

- a. All actual compensatory damages suffered;
- b. Statutory damages of \$1,000.00;
- c. Plaintiff's attorneys' fees and costs;
- d. Any other relief deemed appropriate by this Honorable Court.

Respectfully submitted,
BRIAN COPELAND

By: s/ Larry P. Smith
Attorney for Plaintiff

Dated: February 25, 2009

Larry P. Smith (Atty. No.: 6217162)
LARRY P. SMITH & ASSOCIATES, LTD.
205 North Michigan Avenue, 40th Floor
Chicago, IL 60601
Telephone: (312) 222-9028
Facsimile: (888) 418-1277
E-Mail: lsmith@smithlaw.us